

**REMARKS**

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

On page 2 of the action, claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In rejecting the claims, the Office asserts that use of the word “enabling” is indefinite because it is not clear how the method is “allowing” or how the method would “not allow” the project to advance to the next phase. It is respectfully submitted, however, that the original claims are definite, especially when read in light of the specification. However, to advance the prosecution, Applicants have adopted the language suggested in the action. It is respectfully submitted that all pending claims fully comply with Section 112, second paragraph. Withdrawal of the rejection is respectfully requested.

The action also includes a rejection of Claims 1-5, 7-11, 13-17, 19-21, 23-25 and 27-29 under 35 U.S.C. 102(b), as allegedly being anticipated by McAtee et al. (US Patent No. 5,301,320). This rejection is respectfully traversed, as the McAtee et al. patent fails to describe, either explicitly or inherently, each and every feature set forth in independent claims 1, 7, 13, 19, 23 and 27, and hence also in the dependent claims. More particularly, the McAtee et al. patent fails to describe processes and systems that include, among other features, identifying which of one or more stored exit criteria are applicable to at least one of the phases of the project.

For example, claim 1 is directed to a method for managing a project including processes for creating at least one phase for the project. These processes involve identifying which of one or more stored exit criteria are applicable to at least one of the phases of the project, establishing the identified one or more stored exit criteria for the at least one phase, the one or more exit criteria based at least partially on experience gained from one or more prior projects, determining whether each of the identified one or more stored exit criteria have been satisfied for the at least one phase, and advancing the project to a next one of the phases based on the determination of whether each of the identified one or more stored exit

criteria have been satisfied for the at least one phase. These processes also are recited in claim amended 13, and similar subject matter is recited in the context of a system in claim 7.

In setting for the rejection of independent claims 1, 7 and 13, on page 3 of the action, the Office asserts that lines 25-30 of column 5 in the McAtee et al. patent describe breaking down business operations into goals each representing a business activity and further decomposed into the tasks necessary for its accomplishment, and that column 7, lines 17-33 of McAtee et al. describe that each goal specifies criteria, and when that goal is accomplished, the project can move on to the next task. However, while the McAtee et al. patent describes a workflow management and control system including goals, it does not mention, nor does it implicitly or inherently describe, that exit criteria applicable to at least one of the phases of the project are identified from stored exit criteria. Rather, McAtee et al. discloses that goals are defined as follows:

To configure the system for a particular application (after the components have been installed within the computer hardware), the designer first defines the workflow by decomposing the business process into an ordered description of discrete goals. Each goal can represent the completion of a business task or activity, or the occurrence of a specific business-related event.

...

After constructing the workflow, the designer interacts with the Manager Utility (M/U) to create a workflow template. (Column 3, lines 51-57 and 62-64.) (Also see, column 5, line 67 to column 6, line 3 and lines 51-61.)

As can be seen from the above citations, a designer utilizing the system of McAtee et al. conceptualizes a workflow decomposition and creates a workflow template by way of interaction with a Manager Utility component of the system. However, McAtee et al. is silent with respect to exit criteria being stored, and that exit criteria are identified and established from stored exit criteria. Thus, McAtee does not disclose the claimed features of “identifying which of one or more stored exit criteria are applicable to at least one of the phases of the project,” as set forth in claims 1 and 13. Likewise, the McAtee et al. patent fails to disclose “an identification system that identifies which of one or more stored exit criteria are applicable to at least one of the phases of the project,” as recited in the context of the claim 7 combination.

Moreover, because the McAtee et al. patent fails to disclose identifying stored exit criteria as claimed, it also fails to disclose the processes of “establishing the identified

one or more stored exit criteria for the at least one phase,” “determining whether each of the identified one or more stored exit criteria ...” and “advancing ... based on the determination of whether each of the identified one or more stored exit criteria ...” as recited in claims 1 and 13, and similar subject matter recited in connection with “a phase establishing system,” “a determination system and “an advancement system” in claim 7.

Furthermore, claims 1 and 7, and claim 13 as amended, recite that “the one or more exit criteria based at least partially on experience gained from one or more prior projects.” With respect to this feature, the Office also asserts that column 5, lines 43-50 of McAtee et al. discloses a designer determining goals stemming from a variety of considerations, and that a goal would inherently reflect criteria known from past experience so the tasks are completed successfully. However, whether a designer in the McAtee et al. system draws on past experience when decomposing a business process into discrete goals is not relevant to the claimed features that involve stored exit criteria being based at least partially on experience gained from one or more prior projects. Indeed, the concept of identifying exit criteria from stored criteria is a significant departure from the methods and system of McAtee et al.

For example, the system of McAtee et al. is similar to systems discussed in paragraph 0004 in the background section of the specification. Such systems utilize only a finite amount of historical information or knowledge. Consequently, when goals and tasks conceptualized and input by the designer, he or she is not afforded the advantages facilitated by the present invention, such as selecting from ideas and lessons of others captured from previous projects. Additionally, stored exit criteria allows those managing projects to access historic information resulting from previous decisions involving, for example, more than one person, such as users within or across teams. Drawing from such a pool of information facilitates increases in efficiency in the management of a project.

Similar allowable distinctions are set forth in each of independent claims 19, 23 and 27. For instance, claims 19 and 27 recite *inter alia* processes of “identifying which of one or more stored exit criteria are applicable to at least one of the phases of the project,” “establishing the identified one or more stored exit criteria for the at least one phase,” “determining whether each of the identified one or more stored exit criteria have been

satisfied for the at least one phase,” and “implementing the project by advancing the project to a next one of the phases based on the determination of whether each of the identified one or more stored exit criteria have been satisfied for the at least one phase.” As pointed out above, the goals defined by the designer in the McAtee et al. system are not identified from stored exit criteria. Hence, the McAtee et al. patent cannot anticipate the claimed feature of “identifying,” much less the other features of “establishing,” “determining” and “implementing.” For analogous reasons, McAtee et al. fails to disclose the features of “a project identification system ...,” and “a phase establishing system,” “a determination system ...,” and “a project implementation system ...,” as recited in claim 23

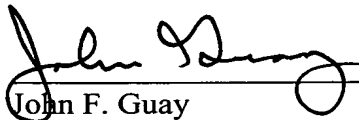
Claims 2-5, 8-11, 14-17, 20, 21, 24, 25, 28 and 29 depend from one of claims 1, 7, 13, 19, 23 and 27, and hence also encompass each and every feature of their respective independent claim. Accordingly, these claims are allowable for at least the above reasons, and further for the additional features recited.

Claims 6, 12, 18, 22, 26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAtee et al, US 5,301,320. However, these claims depend from one of claims 1, 7, 13, 19, 23 and 27, and are therefore allowable at least for the above reasons, and further because the McAtee et al. patent fails to teach or suggest claimed features missing in McAtee et al., as pointed out above.

In view of all of the foregoing, applicant submits that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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